

FILED

UNITED STATES DISTRICT COURT

ALBUQUERQUE, NEW MEXICO

for the
District of New Mexico

JUN 11 2015

mld

MATTHEW J. DYKMAN
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Information associated with the cellular telephone
assigned call number (505) 920-8328, that is stored at
the premises controlled by T-Mobile

Case No.

15 ms 364

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the _____ District of New Jersey, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. 2113(a)

Bank robbery

The application is based on these facts:

See attached affidavit which is incorporated herein

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

S. T. Hartman

Applicant's signature

SA Samuel T. Hartman

Printed name and title

Sworn to before me and signed in my presence.

Date: 6-11-15

Kirtan Khalsa

Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa U.S. Magistrate Judge

Printed name and title

3. On 05/15/2015, at approximately 3:50pm, the Century Bank, located at 498 N. Guadalupe Street, Santa Fe, New Mexico, 87501, was robbed by an individual using a handgun, intimidation, and force. This individual pointed a gun at the bank teller, demanded money, and climbed up on the teller's counter to grab money from a cash drawer. Century Bank is a federally insured institution. A \$437 loss was sustained. Of the \$437, five \$20 bills were bait bills.
4. The aforementioned robbery was conducted by an Unknown Male (UM) described as being Hispanic, in his 20's, approximately 5'3" to 5'4" tall, thin build, approximately 130lbs, wearing white and black framed tinted glasses, a black hooded sweatshirt, jeans, and had handcuffs hanging from the back of his pants. He had short, dark brown hair, and a dark spot on the top of his head.
5. During the robbery, the UM approached teller and demanded that she give him the money she had. He immediately climbed up on the counter and tried opening the drawer containing the cash. While doing so, he kept the gun pointed at teller. The UM finally opened the drawer, pulled out some money, and ran out. That is when the teller activated the alarm. The teller walked over to the front of the bank and saw a Red Ford 500, with black rims, and black tinted windows, leave the bank parking lot. This was the same vehicle that the teller saw park in front of the bank, but then pull over to the side out of view immediately before the robbery.
6. After the UM left, the Santa Fe Police Department (SFPD) responded to the bank robbery. Teller advised them of the make and model of the vehicle that the UM departed in and also advised that the UM was known to teller as Jacob Wheeler. The SFPD located the vehicle near the Rail Yard district in Santa Fe. Once located, the vehicle sped away and the SFPD pursued. The SFPD pursued the vehicle to Rodriguez Street, Santa Fe, New Mexico. When the SFPD approached the vehicle, the driver had already abandoned the vehicle. The vehicle was located near Wheeler's home address of 231 ½

Rodriguez Street, Santa Fe, New Mexico. This vehicle was a 2005 Ford 500 bearing New Mexico registration 199RYN.

7. Your affiant received information that a 2005 red Ford 500, with license plate number 199RYN, was registered to Allanah Romero. Additional information listed the aforementioned address as the home address for Jacob Wheeler. On 05/22/2015, your affiant did a drive by of 231 ½ Rodriguez Street with SFPD SGT McCord. SGT McCord pointed at the house which was at the end of a cul-de-sac and had a white door.
8. Affiant and SFPD Detective Anaya interviewed teller. The teller advised that he/she went to middle school with Wheeler. The teller further advised that Wheeler's girlfriend, Allanah Romero, had an account at Century Bank and visited the bank often to conduct banking transactions. When Wheeler and Romero would visit the bank, they drove the same vehicle described above. On a 1 to 10 scale, teller stated that it was 8 that Wheeler was the bank robber.
9. After the SFPD located the above vehicle, they conducted a neighborhood canvass for Wheeler. While doing so, an individual later identified as Fortino Wheeler, the brother of Jacob Wheeler, approached the area that the officers were looking. The SFPD officers called Fortino out and without being prompted Fortino stated that he did not know anything about a bank robbery.
10. On May 15, 2015, FBI Albuquerque received an anonymous call and passed the information to affiant. Your affiant called the anonymous caller (AC1). AC1 stated that he saw the picture of the bank robber and that it looked like Jacob Wheeler. AC1 was asked if Jacob Wheeler had any brothers that looked like the bank robber, and AC1 stated that he would not give affiant the names because he knew the guy in the bank robbery picture was Jacob Wheeler.
11. On May 16, 2015, FBI Albuquerque received another anonymous call and passed the information to your affiant. Your affiant called the anonymous caller (AC2). AC2 stated that she saw the picture of the bank robber on Facebook and the bank robber was Jacob

Wheeler. AC2 further advised that Wheeler was born on 12/17/1990, was 5'4", 130lbs, with brown hair, and brown eyes. AC2 also advised that Wheeler lived at 1517 Agua Fria Street, Santa Fe, New Mexico. Jacob Wheeler's mom lives on Rodriguez Street in Santa Fe, and that Wheeler worked at the Dollar Tree near Murphy's gas station on Cerrillos Road. Jacob has two brothers: Moses and Tino. AC2 knew that the bank robber was not Moses because Moses has more hair than Jacob. AC2 knew it was not Tino, because Tino wore reading glasses. AC2 further advised that she could "just tell" that it was Jacob. Jacob had told AC2 that he carries a Glock handgun around with him. AC2 also advised that Jacob had a Zia symbol tattoo on the back of his head, and more tattoos on his arms. Jacob drives his girlfriend's maroon Ford 500 with silver rims, and tinted windows.

12. On May 18, 2015, FBI agents interviewed a Cooperating Source (CS1). FBI agents showed CS1 a picture of the bank robber, and CS1 advised that it was Jacob Wheeler. On a scale 1 to 10, CS1 advised that it was a 10 for the picture being Jacob Wheeler. CS1 confirmed that Wheeler dated Allanah Romero and that he drove Allanah's red Ford 500. CS1 also advised that Wheeler and Romero were having financial hardships. CS1 has known Jacob Wheeler for at least five years.
13. On May 22, 2015, your affiant received an arrest warrant for Jacob Wheeler. On May 26, 2015, Wheeler was arrested by FBI Agents and SFPD Officers at 1517 Agua Fria Street, Santa Fe, New Mexico.
14. Subsequent to his arrest, Allanah Romero was interviewed by a FBI Agent. During this interview, she told the agent about her whereabouts on May 15, 2015 (the day of the robbery). On May 15, 2015, Allanah was experiencing car trouble with her maroon Ford 500. She drove the car and parked it at the "triangle park" near Girls Inc. in Santa Fe, New Mexico around 2:40 p.m. Allanah walked to 231 ½ Rodriguez Street, Santa Fe, New Mexico (about ½ mile walk) and asked Shania Wheeler, Wheeler's sister, for a ride to the Hyatt Place hotel. Shania, agreed, and drove Allanah to her house at 1517 Agua Fria Street, Santa Fe, New Mexico, and they picked up Wheeler. From there, Shania and

Jacob dropped Allanah off at the Hyatt Place, and Shania was to take Wheeler to the Dollar Tree so Wheeler could attend a work meeting. Allanah later learned that Shania dropped Wheeler off at home (1517 Agua Fria Street), because he was not feeling well. Allanah advised that she utilizes cellular number (505) 699-4982.

15. An additional interview was conducted with Shania Beverly Toni Wheeler, Jacob Wheeler's sister, on May 28, 2015. During this interview, Shania stated that she had her high school graduation on May 15, 2015. Jacob was not at her graduation. Following her graduation, she, her family, and a friend went to Chili's in Espanola, New Mexico to eat. When she returned from Chili's, she was at home at 231 ½ Rodriguez Street, Santa Fe, New Mexico when Allanah came to the house around 3:00pm. Allanah told Shania that her car had broken down, or it had run out of gas and that she left it by Girls Inc. (a business approximately one half mile away from Shania's home). Shania drove Allanah to her house at 1517 Agua Fria Street, Santa Fe, New Mexico, and the two of them picked up Jacob Wheeler. They all drove Allanah to a hotel on Cerrillos Road where Allanah's mother is employed. Shania dropped off Allanah, and was suppose to take Jacob Wheeler to work. However, Jacob said he was not feeling well and she dropped him off at 1517 Agua Fria Street. This was the last time that Shania saw Jacob Wheeler until her graduation party on Saturday night, May 16, 2015. Shania advised that she had her phone, cellular number 505-920-8328, with her the entire day on May 15, 2015. Your affiant confirmed that the SUBJECT PHONE was operated on the T-Mobile network on June 2, 2015.

16. On May 29, 2015, FBI agents interviewed a manager at the new Dollar Tree in Santa Fe, New Mexico, where Jacob Wheeler was employed. Wheeler worked two shifts, both morning to afternoon shifts, on Tuesday May 12th, and Wednesday May 13th. Those were the only two shifts he ever worked at the store before quitting the next week. Wheeler was not scheduled to work the afternoon of May 15, 2015 as has been stated by both Allanah and Shania. If he would have been scheduled on May 15th, it would have been a morning to afternoon shift, not a shift beginning in the afternoon.

17. Based on the events outlined above, your affiant believes that Shania Wheeler, and Allanah Romero have provided false information about their whereabouts on May 15, 2015 and their interactions with Jacob Wheeler. In Allanah's interview, she stated that she was closer with Shania, than she was with her boyfriend Jacob Wheeler, which shows they may be colluding with each other to provide an alibi for Jacob Wheeler. Furthermore, your affiant believes that by obtaining historical cell site data for both Allanah's and Shania's cellular phones, you affiant will be able to determine to which locations Allanah and Shainia traveled on May 15, 2015, between 12:00 a.m. and 11:59 p.m.
18. In my training and experience, I have learned that T-Mobile is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as "tower/face information" or "cell tower/sector records." Cell-site data identifies the "cell towers" (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the "sector" (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device ("GPS") data.
19. Based on my training and experience, I know that T-Mobile can collect cell-site data about the SUBJECT PHONE. I also know that wireless providers such as T-Mobile typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes

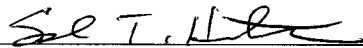
20. Based on my training and experience, I know that wireless providers such as T-Mobile typically collect and retain information about their subscribers in their normal course of business. This information can include basic personal information about the subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as T-Mobile typically collect and retain information about their subscribers' use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the SUBJECT PHONE's user or users and may assist in the identification of co-conspirators and/or victims.

AUTHORIZATION REQUEST

21. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.
22. I further request that the Court direct T-Mobile to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on T-Mobile, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

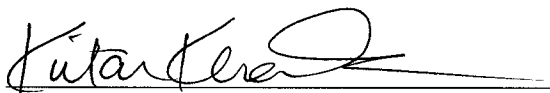
I swear that this information is true and correct to the best of my knowledge and belief.

Respectfully submitted,



Samuel T. Hartman
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 11th day of June, 2015.



Honorable Kirtan Khalsa
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular telephone assigned call number (505) 920-8328 ("the Account"), that are stored at premises controlled by T-Mobile ("the Provider"), headquartered 4 Sylvan Way, Parsippany, New Jersey 07054, as more particularly described in attachment B. *efl*

ATTACHMENT B**Particular Things to be Seized****I. Information to be Disclosed by the Provider**

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any information that has been deleted but is still available to the Provider or that has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose to the government the following information pertaining to the Account listed in Attachment A for the time period 12:00 p.m. to 11:59 p.m. on May 15, 2015 (Mountain Daylight Time):

a. The following information about the customers or subscribers of the Account:

- i. Names (including subscriber names, user names, and screen names);
- ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);

b. All records and other information (not including the contents of communications)

that identify the cell towers and sectors through which *SV*
 wire and electronic communications *wire* sent or received by the Account,

including:

i.

the such

time, that communications were sent or *CL*

received through the cell towers and sectors

II. Information to be Seized by the Government

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. 2113(a) involving Jacob Wheeler during the period May 15, 2015.